

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, September 20, 2018
6:00 p.m.

I. Call to Order

- A. Roll Call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

1. This meeting is being digitally recorded.
2. The next regularly scheduled meeting of the Planning Commission will be September 27, 2018 at 6:30 p.m. in the Council Chamber.
3. The next meeting of the City Council will be October 4, 2018 at 6:00 p.m. in the Council Chamber.
4. Public may comment on agenda items – Public must state name, address and standing to discuss an issue. Issues must have city-wide impact and not be personal issues.

II. Consent Calendar

- A. Regular Meeting Minutes of September 6, 2018 (pg. 3-7)

III. Written Communications

None

IV. Staff Reports

- A. City Administrator
- B. Deputy Cicero/Waldeyer (pg. 8)
- C. Fire Chief Greg Winfrey

V. New Business

- A. Discussion item – Medical Hardship (pg. 9-10)

VI. Public Comment on Non-Agenda Items

VII. Council Comments on Non-Agenda Items

VIII. Adjournment

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, September 6, 2018

CALL TO ORDER

Mayor Sanderson called the Regular City Council Meeting to order at 6:00 p.m. in the City Council Chamber.

Council Present: Mayor Sanderson, Councilor Mitchell, Councilor Kristich, Councilor McGregor and Councilor Tarvin

Staff Present: Thomas J. Corrigan, City Administrator; Bonnie Pickett, Administrative Assistant

ANNOUNCEMENTS

The Mayor led the audience in the Pledge of Allegiance and made the announcements on the agenda. The Mayor advised that item C under New Business will be a discussion item rather than a resolution.

CONSENT CALENDAR

Regular Meeting Minutes of August 16, 2018

Motion to Accept the Minutes of the August 16, 2018 Council Meeting

Motion: Councilor Mitchell Second: Councilor Kristich

All ayes. Motion carried 5-0

STAFF REPORTS

The City Administrator answered questions on the bills paid report. He asked who was handling the Pop Up Museum at the City of Shady Cove Birthday Party on September 8, 2018 at Aunt Caroline's Park. He noted that auditors will be here the week of September 17 to work on the City's audit. The City Administrator would like to coordinate who and when the Ford Explorer is going to be used. He requested a calendar put up for Councilors and staff to note when they will be using the vehicle. The City Administrator requested the Council's permission to put up a sign in front of City Hall that designates a parking spot for Veterans. He noted that he will be at the next Planning Commission on September 13, 2018 to address the sign ordinance. The City Administrator advised that code enforcement is lacking at this point, however the staff is making strides on dealing with code enforcement concerns. He noted that the City closed on the sale of the Chevney property and the check for \$91,800.00 has been cashed. The City Administrator noted that the radar trailer was here for one day, the Jackson County Sheriff's Department is not allowed to leave the radar trailer anywhere over-night. The volunteers advised the City Administrator that if he can find a better location for the radar trailer to sit they would bring it back out. He noted he is still working with Oregon Department of Transportation (ODOT) to get the sign removed that is blocking the flashing light for the cross walk at Rogue River Drive and Hwy 62. He also noted that someone pulled the cover off the septic tank off at Aunt Caroline's park; they were able to replace it. The City Administrator noted that we have a new updated map of where Hiland's Water lines are running in the City of Shady Cove. He also noted he took a tour of the road work that was done on Rogue Air Drive and Bond Road

that was completed by Jackson County Roads; they did an exceptional job. He noted that there will be upcoming changes to the budget document. The City Administrator advised that he has spoken with Rogue Valley Sewer Services (RVSS) and Department of Environmental Quality (DEQ) on three occasions about an issue on Maple Drive. The City Administrator asked the Council if they know where Skyline Drive is located. He explained that it is located off of Cleveland; there is a gate at one end of the recorded road the cuts over to Hudspeth lane. He noted that he will be asking for Councils discretion for putting in the road next year.

Councilor Mitchell commended the City Administrator for finding so many short falls in the City in his short time working here at the City.

Councilor McGregor asked the City Administrator if there is any additional information on the potential City Park.

Councilor Kristich asked if the City Administrator had had a chance to look at the cracks on Osprey Vista.

The City Administrator made note of a property where we are required to maintain the drive way under our regular road maintenance schedule.

Deputy Cicero gave a brief report on crime in Shady Cove. There was a discussion on the weekly report that was submitted to the Council by the Deputy.

Councilor McGregor asked the Deputy what his involvement is with code enforcement in regard to weed abatement. It was noted that when necessary the Deputy is sent out to speak with the property owners regarding weeds. Also, the Council was advised of the time frame for weed abatement and that it was set by ordinance. The City Administrator noted that the City has purchased an electric weed eater, that can be loaned out for use when gas powered equipment is not allowed to be used due to fire restrictions.

NEW BUSINESS

A. Appoint Planning Commissioner

The Council asked the applicant what he would like to see changed in the City.

Motion to Appoint Robert Smith as Planning Commissioner Position Number 5, Term Expiring 06/30/2021

Motion: Councilor Tarvin Second: Councilor McGregor
All ayes. Motion carried 5-0

The City Administrator suggested bringing back an appointment procedure for future appointment of Planning Commissioners to the Council.

B. Resolution 18-20 – Supporting the National Parks System

The City Administrator explained that we received the resolution six months ago, and for one reason or another it was not presented to the Council. The City Administrator expressed his love for parks.

County Commissioner Colleen Roberts advised that the resolution was brought before them and they declined to offer their support due to their disagreement with the monuments being included in the resolution.

The Council agreed to table the resolution, asking the City Administrator to research the resolution that was presented to the Council and bring it back to the within 30 days.

C. Resolution 18-21 – Establishing Fees and Charges

The Mayor chose to change the agenda item to a discussion about the fees regarding Accessory Dwelling Units (ADU's), rather than addressing the resolution at this time.

Councilor Mitchell suggested that we put parentheses around detached making the System Development Charges apply to only detached structures. He noted that he is not comfortable with RVSS being able to set the SDC's for ADU's if the Annexation is approved in November 2018.

Councilor Tarvin noted that she wants more of a definition of the ADU's. She would like this to be done by the Planning Commission.

Councilor McGregor noted that all of the fees for the ADU's are the same as any other of the housing unit. He noted that the size of the ADU's would be half the size of the average home in Shady Cove, so maybe the fee should be halved. He was in agreement that there needs to be better definitions for ADU's.

Councilor Kristich has no issue with the fees, no matter the size of unit. She was happy that it is going back to the Planning Commission.

Mayor Sanderson complemented the Council for all the research they have put into this issue. He was in agreement that the issue should go back to the Planning Commission

The City Administrator noted that the Council is responsible for setting the fees for the ADU's. He discussed how RVSS currently handles its charges for fees for additional units.

The Mayor requested that the City Administrator go to the Planning Commission meeting to discuss what the Council needs in regard to the ADU's.

D. Discussion item – Council Rules of Government

The Mayor asked that the Council take a look at the Council Rules of Government. He went over the rules that are currently in place.

The Council discussed the rules of government.

PUBLIC COMMENTS

April Maxwell asked if the Council was aware of the articles that were dated on June 20 and June 27, 2018 regarding filling Council vacancies. She asked why the appointed positions were not placed on the ballot of May 2018. She noted it seems that the Council is protecting seats for those individuals that are inclined to vote their way. April said she would hope that a candidate would recuse themselves from a vote until they are elected to a seat instead of appointed.

Rick Potterton asked that Council show the burden of proof regarding on how seats are filled. And if it is found that the seats were filled illegally then everything they voted on needs to be brought back before the Council.

Bob Bellah suggested that the code state if the appointed person would have to run at the next general or primary election to clear up any confusion.

COUNCIL COMMENTS

Councilor McGregor noted that the handout that the City Administrator gives them about his topic of discussion for the meeting is a plus to the Council. He asked if there was any response from the letters that were sent out regarding the success of the Security Camera Program.

Councilor Kristich attended the 9th St. Foods and Friends event in Grants Pass where Rogue Valley Council of Governments (RVCOG) has been able to get the funding needed to start the program in Grants Pass. She pointed out an article from the Upper Rogue Independent regarding the annexation ballot measure of the Shady Cove Sewer System into Rogue Valley Sewer Services; she noted that after looking at the budget the annexation is a bad idea and that they could save the citizens more than two dollars per month. She would like to see the City hold onto the only revenue source the City has. Councilor Kristich gave a copy of the newspaper article she referenced at the last meeting regarding marijuana taxes.

Councilor Mitchell made a motion to extend the meeting.

Motion to Extend the Meeting an Additional 15 Minutes

Motion: Councilor Mitchell Second: Councilor Kristich

All ayes. Motion carried 5-0

Councilor Kristich thanked everyone for coming and taking an interest in City government. She especially thanked County Commissioner Colleen Roberts for her presence.

Mayor Sanderson noted that Shady Cove is celebrating its 46th birthday at Aunt Caroline's Park on September 8, 2018. There will be a great band called Rewind playing from 1:00 to 4:00 p.m. as well as cake to be enjoyed.

Councilor Mitchell noted on September 13, 2018 from 11:00 a.m.-1:00 p.m. the Small Cities jurisdiction meeting will be held at Glendale City Hall; he noted that he will not be able to make the meeting and requested another representative of the Council go to the meeting in his place. He also suggested the City change the fee schedule for copies charging \$1.00 per page for copies as well as create a line item in the budget to set up a backup system for all permanent records.

Councilor Tarvin asked the City Administrator if there is an update on changing over to LED lighting in the City. The City Administrator advised that his first option is not going to work for upgrading the lighting to LED. He is looking into two other grants that will be due around the beginning of the year that may work for the upgrade. Councilor Tarvin asked if we could post on the website that the electric weed eater is available for use. She also asked if we had heard from the Community Center regarding their annual Haunted House that was done at the Upper Rogue Community Center last Halloween.

The Mayor made mention of Saturday, September 22, 2018 the Upper Rogue Community Center will be having a Spaghetti Dinner, with beer and wine available for purchase; there will be dancing in the parking lot with David Christian as the DJ.

ADJOURNMENT

There being no further business before the Council, the Mayor adjourned the regular meeting at 7:37 p.m.

Approved:

Attest:

Tom Sanderson
Mayor

Thomas J. Corrigan
City Administrator

Council Vote:

Mayor Sanderson

Councilor Mitchell

Councilor Kristich

Councilor McGregor

Councilor Tarvin

Philip Cicero

To: Eric Henderson
Subject: Weekly Log

WEEKLY LOG 9-3-18 TO 9-6-18

9-3-18

Station 1 – Equipment
Patrol Shady Cove
4100 E-mails
18-18562 : Death investigation @ Elk Creek Road
Patrol Shady Cove
Report writing – 18-18562

9-4-18

Walk through School
Park in school zone
Patrol Shady Cove
4100 E-mails/ FU Report 18562/ Weekly Log
Rogue Air Drive- Assist to MPD- Arrest
Flower Street & Mallory Lane – Report of injured deer – UTL GOA
Voice Mails x 8
18-18638 : Longbranch Road- Civil issue/ Land lord – tenant

9-5-18

18-18680: Chapparrel – Stolen Vehicle report
Old Trail Creek – FU 18680
Flagged down – Squatter complaint @ Elder Mill (Bank owned property)
Patrol Shady Cove
Indian Trail Ct # - Attempt warrant arrest on
18-18694 : Kee Lane – Tag vehicle (966 FMG- White Bronco)
18-18703: Theft @ Shady Cove Mini Storage- Approximately \$500 in misc. equipment – No suspect info
Patrol Shady Cove
18-18710: Burglary @ Flounce Rock RD
Station 1 – Report writing

9-6-18

18-18767: 100 Fir St. – Civil Issue
Patrol Shady Cove
4100 – Emails
Indian Trail Ct # – Attempt warrant arrest
Voicemails x5
Patrol/ Traffic – Shady Cove
City Council Meeting @ City Hall

September 11, 2018

Mayor Tom Sanderson and Council Members
City of Shady Cove
P.O. Box 1210
22451 Highway 62
Shady Cove, OR 97539



Re: Petition for a Temporary Medical Hardship Use Permit/Exception

Honorable Mayor and Members of the Council:

As a fellow Shady Cove resident who values this community and its people, I would like to call your attention to a city ordinance that is obstructing remedies to an urgent life-sustaining matter. The purpose of this communication, therefore, is to seek a variance or exception for medical hardship accommodations which would rectify this major dilemma for my family (and perhaps others).

For quite some time I've been in communication with the city regarding the need to accommodate my elderly mother (who has serious medical complications) and my elderly father (who could no longer care for her) by moving them into temporary facilities on our property in Shady Cove. Sadly, as of last month, my father has been diagnosed with stage four lung cancer. Thus, combined the matter has now become critical and time is of the essence. We cannot move to CA to help them, and their medical requirements and finances will not allow for third-party care. So, we have brought them home with us since they can not care for themselves. Since our home is not appropriately equipped or large enough, we urgently require accommodating them via a temporary dwelling on our property. My father does not have enough lifetime, nor do we have the bandwidth available to plan a traditional stick-built structure on a permanent foundation. Added we couldn't wait for contractors who are already overbooked, to build it.

While most communities throughout OR and CA allow for temporary medical hardship permits (now being designated as "Home Health Care trailers") to accommodate families who face this kind of crisis, for some reason Shady Cove disallows it. I was told the new ADU legislation might offer a workaround to meet our hardship needs but unfortunately, in the end, the city of Shady Cove has elected to wrap fees and other criteria around that program which cater to permanent, more financially motivated use-cases. This completely defeats our needs and current abilities. As a result, we find ourselves paralyzed between our own already demanding lives, and the inability to function as a whole in our home due to the resulting medical, physical, mental and emotional impacts borne of this matter.

It's perplexing. We all see properties in Shady Cove that seem to ignore policy altogether. Many of these properties are offensive to look at and/or harbor safety violations. Conversely, we are ultra conscientious, tax-paying residents who are willing to conform to whatever customary code and neighborhood compliance requirements there may be to place a temporary medical dwelling in our yard. And yet, faced with a tremendous, unavoidable medical crisis with two parents, there is no mechanism from which to allow us to place a beautifully crafted park model / tiny house as a temporary dwelling that can address this medical crisis, because of "building code" conformity?

Many of these new prefabricated homes meet or exceed stick-built building code requirements. Are the sited code incongruencies (which are in effect, academic in this case) more valuable than the lives being severely impacted through their enforcement? I find Shady Cove's failure to be in stride with most cities and towns who accommodate this growing requirement for baby boomers and their impaired parents...counter-intuitive. Frankly, I believe we can all agree the city's position is rather untenable.

Thus, I am appealing to your common sense and humanity as we ask you to join your collective minds to correct this remarkable, no doubt inherited, oversight. I am asking you to draft an override or leverage existing city language that can correlate (even if loosely) our needs to an exemption or variance permit that will allow for a park model or other standards-based prefabricated temporary structure to meet these particular circumstances, just like the county does with their Type 2 Application. We've already had our site surveyed and know a small structure like a park model will fit, obscured toward the backyard of our home, with the proper setbacks, and with a look that closely matches the aesthetics of our main house. Further, we have the support of all our affected neighbors.

Acting on behalf of our request will not risk setting the wrong precedent for others who may seek to abuse this privilege for ulterior motives; it will, however, set the right precedent for families who are facing these qualifying, dire circumstances.

It is the responsibility of our elected officials to help facilitate these kinds of basic human and community requirements; not impede them. No different than making sure emergency vehicles have access to a road. Anything or anyone who would obstruct such a basic, universal, and acute human need on the basis of debatable technicality would be promoting a real injustice. I'm NOT inferring any of you are doing this. You all seem to be as kind and compassionate as you are professional and astute. Thus, at this point, I'm just elucidating the reality of the matter and appealing to a common thread of collaboration to do what's right. I'm attempting to elicit your emotion as though our particular set of circumstances were happening to you and your parents right now.

Please advise me as to how to proceed. We need answers and action quickly. I am happy to discuss this in person, and will even try to bring my parents themselves to the board to meet if it would help. I will pay whatever reasonable and customary permit fees as may be required and will do all the heavy lifting I need to (within ordinary county and city parameters to satisfy this kind of request). I (we) are also open to alternate ideas on how we can leverage existing ordinances to facilitate these specific needs in other ways (such as calling it a "guest-house" without a stove) provided it can be prefabricated.

Just, please...I implore you to not reply with a "no".

Respectfully



Bruce A. Caico

Local resident and businessman

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